

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

)
) No. 03 MDL 1570 (RCC)
) ECF Case
)

This document relates to:

BURNETT, *et al.* v. AL BARAKA INVESTMENT & DEVELOPMENT CORP., *et al.*, Case No. 03-CV-5738;

EURO BROKERS, INC., *et al.* v. AL BARAKA INVESTMENT AND DEVELOPMENT CORP., *et al.*, Case No. 04-CV-07279;

FEDERAL INSURANCE CO., *et al.* v. AL QAIDA, *et al.*, Case No. 03-CV-6978;

NEW YORK MARINE AND GENERAL INSURANCE CO. v. AL QAIDA, *et al.*, Case No. 04-CV-6105;

WORLD TRADE CENTER PROPERTIES LLC, *et al.* v. AL BARAKA INVESTMENT AND DEVELOPMENT CORP., *et al.*, Case No. 04-CV-07280.

**DECLARATION OF ALAN R. KABAT
IN SUPPORT OF DEFENDANTS SAFER AL-HAWALI'S
AND SALMAN AL-OADAH'S
CONSOLIDATED MOTION TO DISMISS**

I am an attorney licensed to practice in the District of Columbia and am admitted *pro hac vice* in this matter. I am with the law firm of Bernabei & Katz PLLC, counsel to Safer Al-Hawali and Salman Al-Oadah. I submit this declaration to transmit to the Court the following documents submitted in support of Sheikhs Al-Hawali's and Al-Oadah's Consolidated Motion to Dismiss:

1. Exhibit 1 to defendants' motion to dismiss is a copy of the Declaration of Sheikh Safer Al-Hawali (March 30, 2004), and authenticated translation, with the Declaration of Bassim Alim (April 4, 2004) thereto.

2. Exhibit 2 to defendants' motion to dismiss is a copy of the Declaration of Sheikh Salman Al-Oadah (March 31, 2004), and authenticated translation, with the Declaration of

Bassim Alim (April 4, 2004) thereto.

3. Exhibit 3 to defendants' motion to dismiss is a copy of the article, C. Whitlock, "Friend of 9/11 Hijackers Convicted in Germany," *Washington Post*, Aug. 20, 2005, at A-12.

4. Exhibit 4 to defendants' motion to dismiss is a copy of the Detention Order filed in United States v. Sami Al-Hussayen, Cr. No. 03-048 (D. Idaho Mar. 12, 2003).

5. Exhibit 5 to defendants' motion to dismiss is a copy of the Jury Instructions Nos. 32, 35-36, and 48, as filed in United States v. Sami Al-Hussayen, Cr. No. 03-048 (D. Idaho June 1, 2004).

6. Exhibit 6 to defendants' motion to dismiss is a copy of the jury's executed Verdict Form, as filed in United States v. Sami Al-Hussayen, Cr. No. 03-048, Order (D. Idaho June 10, 2004).

7. Exhibit 7 to defendants' motion to dismiss is a copy of the Order of Dismissal, as filed in United States v. Sami Al-Hussayen, Cr. No. 03-048, Order (D. Idaho July 2, 2004).

8. Exhibit 8 to defendants' motion to dismiss is a copy of Process Server Network, "International," online at <http://www.processnet1.com/internat.htm> (last modified Feb. 10, 2004).

9. Exhibit 9 to defendants' motion to dismiss is a copy of Process Server Network, "Saudi Arabia," online at http://www.processnet1.com/saudi_arabia.htm (last modified Mar. 8, 2004).

I declare under the penalties of perjury that the foregoing is true and correct to the best of my knowledge and belief. Executed on September 6, 2005.

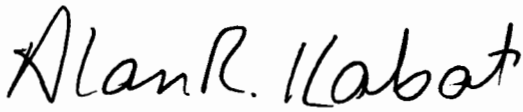

ALAN R. KABAT

Exhibit 1

Sheikh Safer Al-Hawali's
and
Salman Al-Oadah's
Consolidated Motion to Dismiss

03 MDL No. 1570 (RCC)

IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

THOMAS E. BURNETT, SR., *et al.*,

Plaintiffs,

V.

C.A. No. 03 CV 9849 (RCC)

AL BARAKA INVESTMENT AND DEVELOPMENT
CORPORATION, *et al.*,

Defendants.

I, Bassim Alim, being duly sworn, declare and state as follows:

1. I am over 18 years of age and competent to testify to the matters set forth below of my own personal knowledge.

3. I reside in Jeddah, Saudi Arabia, and I am the Managing Partner in the Law Office of Bassim A. Alim, Esq. located at Wali Al-Ahd Street Abeer Building, Suite No. 17, P.O. Box 10361 Jeddah 21433, Saudi Arabia, Phone: +966 2 651 3321, Fax: +966 2 651 0846. The firm is a diversified practice representing a number of Saudi and foreign individuals and institutions in International Trade, Commercial Law, International Transactions, Project Finance, Negotiation, Company Law, Islamic Banking, Islamic Finance, Equipment Leasing, Construction Contracts, Government Consultations, Real Estate, and Aviation.

4. I am an attorney licensed in Saudi Arabia and have been retained by counsel for Dr. Abdullah bin Abdul Mohsen Al-Turki, Mr. Mohammed Ali Mushayt, Sheikh Hamad Al-Husaini, Sheikh Safer Al-Hawali, and Sheikh Salman Al-Oadah in the above-styled case for the purpose of verifying English translations of their Arabic-language affidavits in connection with

their respective motions to dismiss the lawsuit.


5. My educational qualifications can be summarized as follows: I received an LLM degree in 1993 from Harvard Law School, Cambridge, MA; a JD degree in 1992 from American University, Washington College of Law, Washington, D.C.; and a BA degree in 1988 from American University, School of International Service, Washington, D.C. In addition, I hold Saudi Arabian Legal Profession Practice License # 98/23 and Saudi Arabian Legal Translation License # 235.

6. I am a member of a number of law organizations, including the Arab Bar Association (ABA); the International Bar Association (IBA); the Legal Committee of the Saudi Chamber of Commerce Jeddah (Previously); Vice Chairman of the Legal Committee of the Makkah Chamber of Commerce (Previously); the National Legal Committee of the NCCI (Previously); the Arab Society for the Protection of Intellectual Property; Licensing Executives Society--Arab Countries; and Union Internationale Des Avocats (UIA) - International Association of Lawyers. In addition, I was a Fellow Associate Researcher at The Oxford Center for Islamic Studies, Oxford University, 1994-1996.

7. I have reviewed the originals and the English translations of the declarations to be filed in this case on behalf of Dr. Abdullah bin Abdul Mohsen Al-Turki, Sheikh Hamad Al-Husaini, Mr. Mohamed Ali Mushayt, Sheikh Salman Al-Oadah, and Sheikh Safer Al-Hawali. Based on the qualifications set forth in Paragraphs 5-6, *supra*, I attest that the English translations are true and accurate translations of the original Arabic documents.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.




Bassim Alim



Executed on the 3 day of April, 2004.

محكمة مقاطعة الولايات المتحدة - المقاطعة الجنوبية لنيويورك

قضية توماس بريث _____ نت {

{ (المدعين)

ضد { قضية مدنية رقم (03 CV 9849)

{ مجموعة البركة الإستثمار والتطوير

{ (الدفاع)

إقرار الشيخ سفر الحوالي لإرفاقه مع طلب إسقاط الدعوى

أقر أنا سفر الحوالي وأقول ما يلي:

١- أنا عمري أكبر من ١٨ سنة ، ومؤهل للإدلاء بشهادتي حول الوقائع الموصوفة في هذا الإقرار.

٢- لقد أخبرت أنني رقمي في القضية المذكورة أعلاه هو (D221) ، وأنا هذا الإقرار لدعم طلب إسقاط الدعوى المرفوعة ضدي لعدم وجود سلطة قضائية ونقص في إجراءات تبليغ الدعوى.

٣- ولدت في عام {١٩٥٣م} في {سنان} وقد عشت طيلة عمري بالمملكة العربية السعودية وأنا مواطن سعودي.

٤- درست في الجامعة الإسلامية بالمدينة المنورة ، وفي عام {١٩٨٠م} حصلت على درجة الماجستير من جامعة أم القرى بمكة المكرمة في العقيدة الإسلامية، وفي عام {١٩٨٦م} حصلت على درجة الدكتوراه من نفس الجامعة (أم القرى). عملت في الجامعة الإسلامية ثم جامعة أم القرى من عام {١٩٧٦م} وحتى عام {١٩٩٣م} كمحاضر ثم رئيس لقسم العقيدة في جامعة أم القرى، وأنا الآن متقاعد.

٥- زرت الولايات المتحدة الأمريكية مرة واحدة في عام {١٩٨٩م} بغرض السياحة.

٦- لا أملك أي عقار أو حسابات بنكية ولا استثمارات عقارية أو شخصية ، ولا أمارس أي عمل تجاري في الولايات المتحدة الأمريكية أو مع أي مؤسسة أمريكية.

- ٧- لست مشترك ولا أقرأ جريدة الهيرالدتريبيون العالمية ، ولا جريدة القدس العربي والتي تعتبر على حد علمي من المطبوعات الممنوعة في المملكة العربية السعودية.
- ٨- أنا لم أساند أبداً أي أعمال تسبب فقد أرواح بريئة، ولا أعتقد أن هناك أي مبرر لهجمات ١١ سبتمبر المأساوية. كما أنني لم أدم أي فرد أو منظمة مشاركة أو لها نشاطات إرهابية.
- ٩- لقد أخبرني المحامي بأن اسمي أضيف في التعديل الثالث للدعوى، على كل حال لا يوجد أي تهم موجه لي غير ما ورد في الفقرة رقم [٦٢٣] والتي تفيد بأنني وعدد من الأفراد تعاوننا وشاركنا في التآمر وحرصنا على الشر ممثلي {وكالة الرحمة العالمية للإغاثة} من خلال مواد تتبنى الإرهاب العالمي، وأنا ليس لدي أي سبب لأعتقد أن هذه المنظمة تمول أو تدعم الإرهاب بطريقة أخرى. كما أنني لست مسئول عن أعمالها ونشاطاتها وليس لي حالياً أي اتصال بهذه المنظمة.
- ١٠- لا أستطيع قراءة أو كتابة أو التحدث باللغة الإنجليزية، وقد تم إخباري بأن إقرار هذا سيتم ترجمته إلى اللغة الإنجليزية لغرض القضية.

أقر تحت طائلة عقوبة الحنث باليمين طبقاً لقوانين الولايات المتحدة الأمريكية بأن ما سبق حق وصحيح.

الإسم : سفر الحوالي

التوقيع

جرى التوقيع في يوم : ٢٠ من شهر ٣ من عام ٢٠٠٤ في المملكة العربية السعودية

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

)
) 03 MDL No. 1570 (RCC)
)
)

THOMAS E. BURNETT, SR., *et al.*,

Plaintiffs,

v.

)
) C.A. No. 03 CV 9849 (RCC)
)
)

AL BARAKA INVESTMENT AND DEVELOPMENT
CORPORATION, *et al.*,

Defendants.

DECLARATION OF SHEIKH SAFER AL-HAWALI

I, Sheikh Safer Al-Hawali, being duly sworn, declare and state as follows:

1. I am over 18 years of age and competent to testify to the matters set forth below of my own personal knowledge.

2. I have been informed by my attorney that I am a defendant (D221) in the above-captioned action. I am submitting this declaration in support of my Motion to Dismiss for lack of personal jurisdiction and improper service of process.

3. I was born in 1953 in Hawalah, Senan, Saudi Arabia, and have lived in that country all of my life. I have always been a citizen of the Kingdom of Saudi Arabia.

4. I was an undergraduate student at the Islamic University, Madinah. In 1980, I earned a Master's degree in Theology and Islamic Ideology at the Umm al-Qura University, Mecca. In 1986, I earned a Ph.D. degree in Theology and Islamic Ideology, also from the Umm al-Qura University, Makka. I worked at the Islamic University, Madinah and Umm al-Qura

University, Makka from 1976 to 1993, and also served as Dean of the Department of Theology at the Umm al-Qura University for part of that time period. I am now retired.

5. I visited the United States only one time, in 1989, as a tourist.

6. I own no property in the United States. I also have no bank accounts, and have no investments in the United States. I do not conduct any business in the United States.

7. I do not subscribe to or read either the *International Herald Tribune* or the *Al Quds al Arabi*. The latter publication, to my knowledge, is banned in the Kingdom of Saudi Arabia.

8. I never supported the loss of innocent life and believe that there is no justification for the tragic attacks of September 11, 2001. I have never knowingly supported any person or organization that I have known to participate in terrorist activities.

9. I am informed by my attorney that my name was added to the list of defendants some time after the Third Amended Complaint was filed. However, no allegations were made about me, other than the claim in Paragraph 623 that I and several other individual were “co-conspirators, aides and abettors, agents of MIRA [Mercy International Relief Agency] and material sponsors of international terrorism.” I had no reason to suspect that this organization was funding or otherwise supporting terrorism, and I had no responsibility for its operations or activities. I have no connection with this organization today.

10. I cannot read, write, or speak English. I understand that this declaration will be translated into English for purposes of this case.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Sheikh Safer Al-Hawali

Executed on the 30 day of March, 2004.

Exhibit 2

Sheikh Safer Al-Hawali's
and
Salman Al-Oadah's
Consolidated Motion to Dismiss

03 MDL No. 1570 (RCC)

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

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THOMAS E. BURNETT, SR., *et al.*,

Plaintiffs,

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) C.A. No. 03 CV 9849 (RCC)
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AL BARAKA INVESTMENT AND DEVELOPMENT
CORPORATION, *et al.*,

Defendants.

DECLARATION OF BASSIM ALIM

I, Bassim Alim, being duly sworn, declare and state as follows:

1. I am over 18 years of age and competent to testify to the matters set forth below of my own personal knowledge.

3. I reside in Jeddah, Saudi Arabia, and I am the Managing Partner in the Law Office of Bassim A. Alim, Esq. located at Wali Al-Ahd Street Abeer Building, Suite No. 17, P.O. Box 10361 Jeddah 21433, Saudi Arabia, Phone: +966 2 651 3321, Fax: +966 2 651 0846. The firm is a diversified practice representing a number of Saudi and foreign individuals and institutions in International Trade, Commercial Law, International Transactions, Project Finance, Negotiation, Company Law, Islamic Banking, Islamic Finance, Equipment Leasing, Construction Contracts, Government Consultations, Real Estate, and Aviation.

4. I am an attorney licensed in Saudi Arabia and have been retained by counsel for Dr. Abdullah bin Abdul Mohsen Al-Turki, Mr. Mohammed Ali Mushayt, Sheikh Hamad Al-Husaini, Sheikh Safer Al-Hawali, and Sheikh Salman Al-Oadah in the above-styled case for the purpose of verifying English translations of their Arabic-language affidavits in connection with

their respective motions to dismiss the lawsuit.


5. My educational qualifications can be summarized as follows: I received an LLM degree in 1993 from Harvard Law School, Cambridge, MA; a JD degree in 1992 from American University, Washington College of Law, Washington, D.C.; and a BA degree in 1988 from American University, School of International Service, Washington, D.C. In addition, I hold Saudi Arabian Legal Profession Practice License # 98/23 and Saudi Arabian Legal Translation License # 235.

6. I am a member of a number of law organizations, including the Arab Bar Association (ABA); the International Bar Association (IBA); the Legal Committee of the Saudi Chamber of Commerce Jeddah (Previously); Vice Chairman of the Legal Committee of the Makkah Chamber of Commerce (Previously); the National Legal Committee of the NCCI (Previously); the Arab Society for the Protection of Intellectual Property; Licensing Executives Society--Arab Countries; and Union Internationale Des Avocats (UIA) - International Association of Lawyers. In addition, I was a Fellow Associate Researcher at The Oxford Center for Islamic Studies, Oxford University, 1994-1996.

7. I have reviewed the originals and the English translations of the declarations to be filed in this case on behalf of Dr. Abdullah bin Abdul Mohsen Al-Turki, Sheikh Hamad Al-Husaini, Mr. Mohamed Ali Mushayt, Sheikh Salman Al-Oadah, and Sheikh Safer Al-Hawali. Based on the qualifications set forth in Paragraphs 5-6, *supra*, I attest that the English translations are true and accurate translations of the original Arabic documents.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.




Bassim Alim



Executed on the 3 day of April, 2004.

محكمة مقاطعة الولايات المتحدة - المقاطعة الجنوبية لنيويورك

قضية توماس برييت _____ نت {
 { (المدعين)
 { قضية مدنية رقم (03 CV 9849) ضد
 { مجموعة البركة الاستثمار والتطوير
 { (الدفاع)

إقرار الشيخ سلمان العودة لإرفاقه مع طلب إسقاط الدعوى

أقر أنا سلمان العودة وأقول ما يلي:

١- أنا عمري أكبر من ١٨ سنة، ومؤهل للإدلاء بشهادتي حول الوقائع الموصوفة في هذا الإقرار.

٢- لقد أخبرت أنني رقمي في القضية المذكورة أعلاه هو (D220)، وأن هذا الإقرار لدعم طلب إسقاط الدعوى المرفوعة ضدي لعدم وجود سلطة قضائية ونقص في إجراءات تبليغ الدعوى.

٣- ولدت في عام {١٩٥٧م} في {بريدة} وقد عشت طيلة عمري بالمملكة العربية السعودية وأنا مواطن سعودي.

٤- كنت مدرساً في جامعة الإمام محمد بن سعود بالقصيم من عام ١٩٧٩م وحتى ١٩٩٣م، وفي عام {١٩٨٦م} حصلت على درجة الماجستير من جامعة الإمام، وفي عام {٢٠٠٤م}، حصل على درجة الدكتوراه من جامعة الجنان بلبنان، وقد قمت بتدريس مادة السنة (تعاليم الرسول)، وأنا دارس للشريعة الإسلامية.

٥- زرت الولايات المتحدة الأمريكية ثلاث مرات، الأولى في عام {١٩٨٧م} بغرض السياحة إلى مدينة بورتلاند بولاية أوريغون، والثانية لا أتذكر تاريخ الزيارة بالتحديد والزيارة الثالثة كانت في عام {١٩٩٠م} إجابة لدعوة من رابطة الشباب العربي في مدينة دنفر بولاية

كولورادو لإلقاء محاضرة في مؤتمر مفتوح للجامعة بعنوان "واجب العلماء" ، ولم أقم بجمع أي تبرعات أثناء تلك الزيارات.

٦- لا أملك أي عقار أو حسابات بنكية ولا استثمارات عقارية أو شخصية، ولا أمارس أي عمل تجاري في الولايات المتحدة الأمريكية أو مع أي مؤسسة أمريكية.

٧- لست مشتركاً ولا أقرأ جريدة الهيرالد تريبيون العالمية ، ولا جريدة القدس العربي والتي تعتبر على حد علمي من المطبوعات الممنوعة في المملكة العربية السعودية.

٨- لم أساند أبداً أي أعمال تسبب فقد أرواح بريئة، ولا أعتقد أن هناك أي مبرر لهجمات ١١ سبتمبر المأساوية. كما أنني لم أدم أي فرد أو منظمة أعلم أنها مشاركة أو لها نشاطات إرهابية، كما أنني بعد هجمات الحادي عشر من سبتمبر قمت بكتابة مقال باللغة العربية ثم ترجم إلى الإنجليزية أوضحت فيه أن تلك الهجمات مخالفة للشريعة ومحرمة في الإسلام [أنظر الشيخ سلمان بن فهد العودة "رأي حول الأحداث في أمريكا" (٢٠٠٢) مرفق كملحق (١)] وقد كتبت على وجه الخصوص "أن الإسلام يحرم استهداف الأبرياء" وأن "الأماكن العامة كالمطارات والأسواق ... لا يجوز استهدافها" وقد انتقد رأي في الإنترنت بواسطة أشخاص قالوا أنهم متعاطفون ومؤيدون لتلك الهجمات.

٩- في مايو من عام ٢٠٠٣م وبعد الهجمات الإرهابية التي نفذت في الرياض (السعودية) كتبت مقالاً بالعربية وترجم إلى الإنجليزية ذكرت فيه أن تلك الهجمات الإرهابية "محرمة في الإسلام بشكل مطلق وواضح. وأنه لا بد لنا من إيضاح أن العنف والقوة ليست سبلاً لتحقيق أهدافنا أو إحداث تغيير" [أنظر الشيخ سلمان بن فهد العودة "حوا أحداث الرياض، مقترحات تمهيدية لعلمائنا ورموزنا الإعلامية" في ٢٠٠٣م مرفق محلق (٢)]، وقد أكدت أن "من الواجب علينا ألا نبرر بأي حال من الأحوال استخدام العنف" وأوضحت أن "من وجهة نظر الشرع فإن من أولى الأولويات حفظ النفس البشرية - كل الأنفس".

١٠- لقد أخبرت بأن اسمي أضيف في التعديل الثالث للدعوى، على كل حال لا يوجد أي تهم موجه لي في هذه الدعوى.

١١- لا أستطيع القراءة أو الكتابة أو التحدث باللغة الإنجليزية، وقد تم إخباري بأن إقرارتي هذا سيتم ترجمته إلى اللغة الإنجليزية لغرض القضية.

أقر تحت طائلة عقوبة الحنث باليمين بأن ما سبق حق وصحيح.

الاسم : سلمان العودة

التوقيع : 

جرى التوقيع في يوم: ٣١ من شهر ٣ من عام ٢٠٠٤ في المملكة العربية السعودية

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

<i>IN RE</i> TERRORIST ATTACKS ON SEPTEMBER 11, 2001)	03 MDL No. 1570 (RCC)
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THOMAS E. BURNETT, SR., <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 03 CV 9849 (RCC)
)	
AL BARAKA INVESTMENT AND DEVELOPMENT)	
CORPORATION, <i>et al.</i> ,)	
)	
Defendants.)	
)	

DECLARATION OF SHEIKH SALMAN AL-OADAH

I, Sheikh Salman Al-Oadah, being duly sworn, declare and state as follows:

1. I am over 18 years of age and competent to testify to the matters set forth below of my own personal knowledge.
2. I have been informed by my attorney that I am a defendant (D220) in the above-captioned action. I am submitting this declaration in support of my Motion to Dismiss for lack of personal jurisdiction and improper service of process.
3. I was born in 1957 in Buraidah, Saudi Arabia, and have lived in that country all of my life. I have always been a citizen of the Kingdom of Saudi Arabia.
4. I was an instructor at the Al Imam University in Qassim (Saudi Arabia) from 1979 to 1991. I earned my Master's degree in 1986 from the Al Imam University, Islamic Law College, and my Ph.D. degree in 2004, from the Al Genan University in Lebanon. I have taught the subject of Sunnah (Teachings of the Prophet) at Al Imam University, and am student of

knowledge in Islamic law.

5. I have visited the United States twice. I believe that my first visit was to Portland, Oregon, as a tourist, in or about 1987. In 1990, the Arab Youth League in Denver, Colorado invited me to speak at a conference, "Scholars' Duty," that was open to the public. I did not raise funds during these visits to the United States, and did not advocate terrorism.

6. I own no real property in the United States. I also have no bank accounts, and have no investments in the United States. I do not conduct any business in the United States.

7. I do not subscribe to or read either the *International Herald Tribune* or the *Al Quds al Arabi*. The latter publication, to my knowledge, is banned in the Kingdom of Saudi Arabia.

8. I have never supported the loss of innocent life and believe that there is no justification for the tragic attacks of September 11, 2001. I have never supported any person or organization that I have known to participate in terrorist activities. Shortly after the September 11, 2001 attacks, I published an article in Arabic, which was translated into English, and stated that these attacks were prohibited by Islam, and were in violation of Islamic law. *See* Sheikh Salman b. Fahd al-Oadah, "An Opinion About What Has Happened In America" (2002) (attached hereto as Exhibit 1). I specifically wrote that "Islam prohibits targeting innocent people" and that "public places like airplanes and markets . . . are never to be turned into targets." *Id.* at 3. My remarks were criticized on the Internet by persons who said that they sympathized and agreed with these attacks.

9. In May 2003, after several terrorist attacks took place in Riyadh, Saudi Arabia, I published an article in Arabic, also translated into English, which stated that these terrorist attacks "are expressly and categorically forbidden in Islam. We must show that violence and

force are not the ways for us to achieve our goals or to effect reform.” See Sheikh Salman b. Fahd al-Oadah, “Regarding the Attacks on Riyadh – Preliminary Suggestions to Our Scholars and Our Media Figures,” at 1 (2003) (attached hereto as Exhibit 2). I emphasized that “it is imperative that we do not in any way justify the use of violence” and explained that “From the viewpoint of Islamic law, we have, first and foremost, the principle of the preservation of human life – all human life.” *Id.*

10. I am informed by my attorney that my name was added to the list of defendants some time after the Third Amended Complaint was filed. However, no allegations were made about me.

11. I cannot read, write, or speak English. I understand that this declaration will be translated into English for purposes of this case.

I declare under penalty of perjury that the foregoing is true and correct.

Sheikh Salman Al-Oadah

Executed on the 31 day of March, 2004.

Attachment 1 to Al-Oadah Declaration

Sheikh Salman Al-Oadah's
Motion to Dismiss the Third Amended Complaint

03 MDL No. 1570 (RCC) / C.A. No. 03-CV-9849 (RCC)

ابحث

الاد

مقالات

مقال الأربعاء

مقال الاثنين

مقال المشرف

مقال المشرف

رؤية حول أحداث أمريكا

1423/8/13

سلمان بن فهد العودة

2001/10/29



محتويات الموقع

البشير للأخبار

محاور إعلامية

مقالات

قلم المشرف

بيت الأسرة

المسلمون حول العالم

ثقافة ونقد وإبداع

الملتقى الإداري

بحوث ودراسات

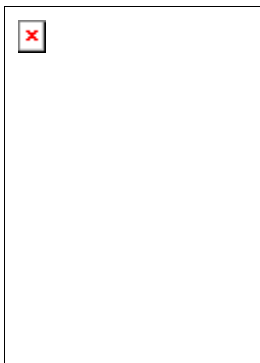
طب وصحة

صوتيات

دروس علمية

إلى الإسلام

ن
ما
ا
ف
م
المد
الواد



يكثّر التساؤل هذه الأيام حول ما حدث في نيويورك وواشنطن، وهذه كلمات أحببت فيها بيان الرأي حول بعض ملايسات الحدث، وهي في جزء منها اجتهداً قابلاً للنظر والمراجعة .

أولاً: الحديث عنها من الجانب الواقعي بوصفه أمراً قد حدث وقدر ووقع ولا سبيل إلى رده، فهو مولود فاسد خرج من رحم الغطرسة والظلم والاستخفاف بكرامة الشعوب ، وثمرة مرة لشجرة غرسها الأمريكيان فقد نجحت أمريكا نجاحاً باهراً في صنع الأعداء وتوسيع دائرة الناقمين عليها، وهذا واضح في هذا الحدث، فإن إصبع الاتهام ظلت تدور في فضاء واسع من المتهمين.

ولم يعد المرشحون للانتقام من أمريكا محصورين في طائفة أو شعب ، فالإباني و الفيتنامي و العربي لهم ترات ، بل الأوروبيون الذين بدؤا يحسون بالاضطهاد الأمريكي مرشحون أيضاً، ولذا فإن مظاهراتهم ضد مؤتمرات التجارة العالمية مظهر من مظاهر العداء.

والمسلمون على تباعد ديارهم نالوا حظاً وافراً من هذا البغي الأمريكي، وما يجري في فلسطين هو نوع من الذبح الأمريكي بسكين يهودية. وبهذا لم تدع أمريكا لأحد فرصة إلا أن يكرهها و يمقتها، ولذا فليس عجباً أن يتساءل الأمريكي : لماذا هو بالذات المرشح الأول لعمليات الإرهاب ؟ولماذا هو المنادى دائماً للعودة إلى وطنه تحسباً من أعمال إرهابية؟

وسيجد الأمريكيون أنفسهم بحاجة إلى وقفة شجاعة تخلصهم من مسلسل الذعر المنتظر، بإصلاح سياستهم في العالم، كما وقف "نيكسون" قبل موقفاً شجاعاً بإعلان الانسحاب من فيتنام بعد أن كادت أمريكا تغرق في ذلك المستنقع ، فأنقذ شعبه وبلاده من نتائج حرب خاسرة .

وإن الأمريكيين بحاجة إلى مثل هذا الموقف لإصلاح السياسة الأمريكية وتخليصها من مسلسل عداوات الشعوب .

إن نتائج الظلم لا يمكن ضبط حساباتها ، ولا تقدير ردود أفعالها ، وذلك أن ردود فعل المهوورين و المظلومين كشظايا القنابل الانشطارية تطيش في كل اتجاه، وتصيب من



غير تصويب .
إن ردود أفعال المظلومين و الموتورين لا يمكن التحكم في مداها ولا اتجاهها ، وإنها تطيش متجاوزة حدود المشروع والمعقول،مخترقة قوانين الأديان والأعراف .
وتكفر أول ما تكفر بالقانون الذي لم يوفر لها الحماية أولاً؛ فلذا لن يصبح حامياً لأعدائها. وهذا ما نراه في بعض العمليات التي تنطلق متجاوزة حدود الدين والقانون ومصلحة المنفذ ذاتها وحياته.
ولذا فإن العلاج الأول والحقيقي هو نزع فتيل الظلم الذي يشحن النفوس بالكراهية و المقت ، ويعمي البصائر والأبصار عن تدبر عواقب الأمور ، والنظر في مشروعياتها أو نتائجها.

وإن (أحرص الناس على حياة) سيظلون في حيرة عند التعامل مع من يلغي حياته من حساب الأرباح ، ويسجل نفسه كأول رقم في قائمة الضحايا.
ثم إن القدرة على إلحاق الأذى والضرر تظل متاحة في كل الظروف، وربما بطريقة أبشع وأعنف، ومن المصلحة ألا نسمح بالتداعيات وردود الأفعال لأن تتكرر، فلا يصلح أن يكون هذا الحدث بداية لسلسلة من الأحداث الدامية المشابهة، باعتبار أن القرار الغربي خضع لردود الفعل دون وعي أو بصيرة.
إن عدداً قليلاً من الناس دون أن يملكوا كبير شيء يقفرون على إلحاق الضرر إذا لم يكن لديهم وازع أخلاقي ذاتي .

وإن حماية المدنيين أمر عسير جداً، خاصة في وقت تداخلت فيه المصالح وتشابكت، وانتشرت الأسلحة حتى ربما أصبحت بعض الجماعات تملك أسلحة الدمار الشامل، كما يشاع في بعض التقارير .

ولذا فإعادة النظر في أسلوب التعامل مع قضايا الشعوب أصبح ضرورة أكثر من أي وقت مضى .

إن هذا الحدث صاحبه تأثير له ما يبرره، وإن كنا نلاحظ أن حشد التعاطف والتحالف تم بصورة مبالغ فيها، وأن مجاملة أمريكا كانت ظاهرة في كثير من ردود الفعل .
فليس هذا الحدث الوحيد، ولكن هناك أحداث لا تقل شناعة جرت في عصرنا هذا وكنا نحن جميعاً شهودها.

فمن ينسى مشاهد الذبح في صبرا و شاتيلا والتي تستمطر دموع الصخر ، ومن الذي نسي أحداث "سربنتسا" في اليوم الذي انسحبت فيه القوات الدولية ودخل الصرب فقتلوا نحو عشرة آلاف من المدنيين و ركموهم في القبور الجماعية.
ومن الذي ينسى أحداث " رواندا" يوم سبحت جثث القتلى العزل في البحيرة وذهبت طعاماً للتماسيح .

أما "هيروشيما" و " ناجازاكي" و "فيتنام" فقد أصبحت تاريخاً من التاريخ! وقتلها بمئات الآلاف وبسلاح أمريكي.

فلماذا لم تحظ تلك المآسي بحظها الحقيقي من الاهتمام؟ ، ولماذا تُختار لنا الأحداث التي ينبغي أن نهتم بها أكثر؟ والأحداث التي ينبغي أن ننساها؟

لقد دمرت الحرب العالمية وروعت، وحصدت ملايين البشر ، ولكن الحدث الذي لا يزال يُذكر ويُشهر ويُناح عليه هو محرقة اليهود، وكأن الحدث - لو صح- المأساة الوحيدة.

وهنحن اليوم نرى هذا الحدث يُبرَز وكأنه المظهر الوحيد للإرهاب ، وكأن الإرهاب لا يكون إرهاباً إلا إذا كان في هذا الاتجاه.

إننا نعجب ونحن نسمع صيحات التهديد بالانتقام المدمر، ونحن نرى سفاحي صبرا و شاتيلا قد صاروا قادة دول ! وكل ما فعلته المحكمة الدولية هو حفظ القضية.

وسفاحوا البوسنة يحاكمون محاكمة باردة بطيئة، ربما تنقرض الأجيال ولم تصدر فيها الأحكام.

ومنذ أحد عشر شهراً والمجزرة مستمرة في فلسطين، يصل إلى اليهود الدعم الأمريكي غير المحدود ، ويصل الفلسطينيون النصيح الأمريكي (بضبط النفس) وقد جاء دور الفلسطينيين ليهدوا النصيحة ذاتها للأمريكيين.

وإذا صح أن كل أزمة هي فرصة في الوقت ذاته، فهذا يصدق على أمريكا اليوم ، فهي أمام فرصة لمراجعة سياساتها الخارجية ، وأن تقف وقفة صادقة مع نفسها، باعتبارها شريكاً أساساً في العملية .

وأمريكا اليوم أمام اختبار لجدية دعاواها في العدل والحرية ، في التصرف الذي سيفرز هذا الحدث .. فإذا ما استهدفت المدنيين الأبرياء الذين لم يشاركوا ولم يعلموا ولم يرشحوا ؛ لأنهم في بلد غير ديمقراطي - حسب التسمية والمعايير الغربية - فهي تعطي مبرراً جديداً لاستهداف المدنيين في البلدان الديمقراطية التي يشارك الأفراد فيها باختيار قياداتهم.

إن الولايات المتحدة ستخطئ خطأ تاريخياً إذا أفلحت من جديد في حشد عداوة المسلمين لها ضمن آلية معالجة هذا الحدث، وإذا أخذت البريء بذنب المتهم، أو اعتبرت ثقافة المسلمين وعقيدتهم ومناهج تعليمهم وطرائق حياتهم مسؤولة عن هذا الاتجاه .

إن الولايات المتحدة وهي تطرح شعارات الحرية وحقوق الإنسان وغيرها تمارسها بصورة انتقائية مصلحة ولا تتعامل معها كقيمة جوهرية حقيقية .

وفي مناطق عديدة في العالم من الصين إلى تركيا إلى الجزائر إلى الشيشان إلى فلسطين تبدو المسألة للمواطن الإسلامي في غاية الوضوح، أن ثمة انديازاً صارخاً ، وانتقائية مفرطة.

وأمريكا الآن أمام اختبار عسير في تطبيق مبادئ العدالة وحفظ حقوق الإنسان وحقوق الشعوب .. والتزام المعايير التي تدعو إليها ، وليس من المعقول أن تطرح مصادر القرار فكرة: هل أنت معي أو ضدي ؟ هناك خيارات أوسع من هذا، وهناك في النهاية أسلوب ممارسة الاختلاف معك أو مع غيرك .

لقد جاء هذا الحدث آية كاشفة أن القوة البشرية مهما عظمت فهي محدودة ، وأن العلم وإن اتسع فهو قاصر .

فمن كان يظن أن هذه الدولة بصواريخها العابرة ، وبوارجها الماخرة، وقوتها الضاربة، تؤخذ بغتة بمثل هذه الضربة ، فإذا بها أمامها كأي دولة نامية لاحول لها ولا قوة.

من كان يظن أن نظام الاستخبارات الدقيق الذي صُوّر للناس على أنه يرصد تحركاتهم وهمساتهم في غرف النوم تبقى فيه هذه الفجوة الواسعة التي تدخل منها طائرات مفخخة.

إنها شواهد على أن قدرة البشر محدودة، وعلمهم قاصر ، وأن مظاهر القوة لا تعني التناهي ولا الإحاطة ، ولكن غرور البشر يجهل هذه الحقيقة وشكره نشوة القوة، فيقول: (من أشد منا قوة أو لم يروا أن الله الذي خلقهم هو أشد منهم قوة) وحينها تأتي أحداث تكشف للمغرورين بقوتهم وعلمهم ما فيها من قصور (فلما قضينا عليه الموت مادلهم على موته إلا دابة الأرض تأكل منسأته فلما خر تبينت الجن أن لو كانوا يعلمون الغيب ما لبثوا في العذاب المهين) .

إن الحدث يكشف للقوى العالمية المتنفذة أن اعتماد الحلول الأمنية لا يحقق الهدف وحده، ما لم يكن مصحوباً بدرجة عالية من الواقعية الحوارية ، والتفيس ، وتفهيم وجهات نظر الآخرين وخصوصياتهم والاستماع الجيد إليهم .

ثانياً: التنظير لما حدث من الجانب الشرعي على ضوء النصوص ، وعلى ضوء

التطبيق النبوي والراشدي لأخلاقيات التعامل في الحرب والسلام ، وهذا لا يعني استباق نتائج التحقيق ، فإننا قد تعودنا توجيه أصابع الاتهام إلى المسلمين وعلينا التريث والانتظار حتى لا نقع في فخاخ يصعب الخروج منها .

ولكن من حيث المبدأ فالإسلام يمنع استهداف الأبرياء من النساء والأطفال ومن في حكمهم حتى حين تكون الحرب قائمة بين المسلمين والكفار ، وليس الكفر بمجرد موجباً للقتل ، فقد يكون الكافر ذمياً أو معاهداً أو مستأمناً أو رسولاً أو مستجيراً يجار حتى يسمع كلام الله ثم يُبْلَغُ مأمنه كما في سورة التوبة .

ولقد كان رسول الله - صلى الله عليه وسلم - والخلفاء الراشدون من بعده يؤكدون معاني الحماية للضعفة ومن ليس من أهل القتال ويتعاهدون رعايتها .

فعن ابن عمر - رضي الله عنهما - قال : وجدت امرأة مقتولة في بعض مغازي النبي - صلى الله عليه وسلم - فنهى عن قتل النساء والصبيان . متفق عليه

وأخرج أبو داود بسند صحيح عن رباح بن الربيع - رضي الله عنه - قال : كنا مع رسول الله - صلى الله عليه وسلم - في غزوة فرأى الناس مجتمعين فبعث رجلاً فقال : انظر علام اجتمع هؤلاء ؟ فجاء فقال : على امرأة قتيل ! فقال - صلى الله عليه وسلم - : ما كانت هذه لتقاتل ! قال : وعلى المقدمة خالد بن الوليد ، قال : فبعث رجلاً فقال : قل لخالد : لا يقتلن امرأة ولا عسيفاً .

وفي رواية لابن ماجه : انطلق إلى خالد بن الوليد فقل له : إن رسول الله صلى الله عليه وسلم يأمرك ، يقول : لا تقتلن ذرية ولا عسيفاً .

والعسيف : الأجير ، فالعمال الأجراء حتى لو حضروا المعركة ليجوز قصدهم بالقتال إذا كانت خدماتهم لا تتصل بالقتال ، فغيرهم ممن لم يحضروا إلى ساحة المعارك هم أولى بأن تشملهم تلك الحصانة من أن توجه إليهم الأسلحة ، ولو كانوا في بلاد الأعداء . وفي سنن أبي داود عن أنس بن مالك - رضي الله عنه - أن رسول الله - صلى الله عليه وسلم - كان إذا بعث جيشاً قال له " انطلقوا باسم الله ، لا تقتلوا شيخاً فانياً ، ولا طفلاً صغيراً ، ولا امرأة ، ولا تغلوا " .

وفي الموطأ عن يحيى بن سعيد أن أبا بكر بعث جيوشاً إلى الشام فخرج يشيعهم فمشى مع يزيد بن أبي سفيان ثم قال : إنك ستجد قوماً حبسوا أنفسهم لله - يعني الرهبان - فدعهم وما حبسوا أنفسهم له .

ولعل من المناسب التذكير بعرض ملك الجبال على رسول الله - صلى الله عليه وسلم - أن يطبق الأخشيين على أهل مكة ، فقال صلى الله عليه وسلم : بل أرجو أن يخرج الله من أصلابهم من يعبدني لا يشرك به شيئاً ، مع أن الإجهاز عليهم سيكون أمراً ربانياً من عند الله ، وليس استئصالاً يتحمل تبعته الرسول والذين آمنوا معه .

فهؤلاء وهؤلاء هم محل للدعوة ، وميدان للخطاب والبلاغ ، والتقصير معهم في هذا الشأن في فترة من الفترات ليس ضربة لازب ، فهناك جهود إسلامية واعدة بهذا الخصوص .

هذا - فضلاً - عن أن الميادين المدنية ، كالطيران المدني ، والأسواق ، والأماكن العامة هي فضاء مفتوح يلتقي فيه المسلمون بغيرهم ، والكبار بالصغار ، والرجال بالنساء والصبيان ، فهي لا تصلح بحال أن تكون هدفاً حتى حين نكون في حالة حرب مع دولة ما .

ومن المصلحة الإنسانية العامة أن تظل بمنأى عن التجاذبات في كافة الأحوال والظروف .

ثالثاً : بالنظر إلى هذا الحدث وفق مقاصد الشريعة التي جاءت بتحصيل المصالح ودرء المفاسد ، فإنه يمكن تقييم هذا العمل ضمن الإطار المصلي وهذا يدخل فيه :

1- إمكانية أن يفرز الحدث سعيًا جاداً لتصفية البؤر الجهادية في العالم خشية أن تفرز

مثل هذا العمل ، وهذا ربما ينعكس على فلسطين والشيستان وكشمير ، وغيرها من المناطق الإسلامية وإن كنا لا زلنا نطمح أن يُعَلَبَ القومُ صوتَ العقل والحكمة، وألا يستجيبوا للضغوط اليهودية أو الشعبية الداخلية العمياء ، وإذا كانت المجموعات التي تقاوم الاحتلال تعاني انسداداً بسبب العولمة فقد تُحَكِّمُ هذه الأعمال الخناق عليها أو تحاول .

2- وقد يمتد هذا إلى كثير من الأعمال الإسلامية الدعوية، والثقافية ، والخيرية، والتعليمية التي قد يصنفونها على أنها البيئة التي تضع القوالب ، وتهيئ المناخ. علماً أننا نعتقد أنهم هم الذين يصنعون المناخ باستعدادهم للشعوب وإعراضهم عن معاناتها .

3- وقد تتعرض الشعوب الإسلامية أو بعضها للأذى من هؤلاء الظالمين ، وكان الله في عون الشعب الأفغاني الذي لم يذق طعم الراحة والهدوء من عشرات السنين ، والذي يخشى أن يشهد المتناقضات ، ما بين غزو روسي ، إلى غزو أمريكي .

4- المعاناة الإسلامية داخل المجتمعات الغربية والتي صار المسلمون بموجبها في وضع لا يحسدون عليه ، وتعرضوا لبعض التضييق والاعتداء وكانت البداية في الهجمة الإعلامية التي وجهت مسؤولية الحدث تلقائياً إلى المسلمين، متجاهلة أن آخر حدث إرهابي شهدته الولايات المتحدة في اكلاهوما كان من مسؤولية اليمين الداخلي المتطرف وقد يكون اليهود المتنفذون إعلامياً وراء التسرع في الاتهام ، وهم ممن يستغل الأحداث بنذالة تجدر بهم ، ويتجاهلون المعاناة الإنسانية ، بل هم يتاجرون بجراح الآخرين .



إن الغرب يشكل متنافساً للمسلمين المضطهدين حتى في بلادهم في العديد من الحالات، وربما لولا القدرُ القائم من الرقابة الدولية لكانت الأوضاع في تلك البلاد أشدَّ وأفسى . وقد تحدثت نكسة في هذا المضمار بسبب تعميم المسؤولية الذي يخشى أن تعتمده مصادر القرار في الغرب.

5- تتميط الصورة القائمة للمسلم في نظر المواطن الغربي على أنها صورة السقّاح الذي لو تمكن لأتخن في الناس وصادر حقوقهم ، والإنسان العادي ينقل هذه الصورة الذهنية من الأشخاص إلى الثقافة والجنس والدين ، فيحملها مسؤولية هذا التصور . وهذا يحول دون تقبل الإسلام أو التفكير فيه، ويعقد مهمة المؤسسات الدعوية في الغرب ، ويبني جداراً عازلاً يصعب هدمه أو تجاوزه ، علماً أن الجهود الإسلامية تظل محدودة لا تصل إلا إلى شريحة معينة ، أما الجماهير فتظل أسيرة التتميط الإعلامي بل ربما انتقل هذا إلى شعوب إسلامية لا تعرف حقيقة الدعوة والدعاة ، ولا برامج الإسلاميين إلا من خلال مثل هذه الأحداث، وعلى ضوءها ترسم الصورة بأحادية لا تستكثر من جمهور يميل إلى التعميمية والانسياق وراء الانطباعات الأولية .

وبعد فهذا ما يبدو في حدود النظر القاصر، ومعطيات الظروف الحالية، وقد يجعل الله فيما قدر وقضى خيراً لعباده بخلاف ما يظنون ويحتسبون، والله يعلم وأنتم لا تعلمون. نسأل الله عز وجل بأسمائه الحسنى وصفاته العلى أن يحفظ المسلمين في أديانهم ودمائهم وأعراضهم وبلادهم، وأن يكفيهم شر عدوه وعدوهم، كما نسأله جل وعلا أن يعز دينه، ويعلي كلمته، وينصر أوليائه، وأن يصلح أحوال المسلمين، ويجمع كلمتهم على الحق والدين، وينصرهم على القوم الكافرين.

وصلّى الله وسلّم وبارك على نبينا محمد وعلى آله وأصحابه أجمعين ،،،

لا توجد تعليقات على الموضوع

اطبع الصفحة  أرسل الصفحة لصديق  أرسل مشرف النافذة 



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An Opinion About What Has Happened In America

An Opinion About What Has Happened In America

By: **Sheikh Salman b. Fahd al-Oadah**

A lot of questions are being asked these days about what happened in New York and Washington. In this article, I wish to give my opinion about some issues related to what happened. Much of what I say is my own judgment on these matters and is open to scrutiny and revision.

First of all, I would like to discuss the matter as something that has taken place in the world and cannot be undone. It is a horrible thing born of arrogance, oppression, and gross disregard for the respect of other people. It is the bitter fruit of a tree planted by America, for America has succeeded brilliantly in making enemies for itself and widening the sphere of those who are bitter towards it. This is clear from what has happened, because the finger of accusation is being pointed at a vast number of possible suspects.

The possible candidates for taking revenge against America cannot be narrowed down to a specific people or group. The Japanese, the Vietnamese, and the Arabs all have their reasons. Even the Europeans who have begun to perceive America's oppression are possible candidates. Their demonstrations against the global trade conferences are a manifestation of their enmity. The Muslims, in spite of their remoteness from each other, have received their fair share of America's abuse. What is going on in Palestine is merely America slaughtering people with a Jewish knife.

America has not given anyone an opportunity to refrain from hating it. Therefore, it is not surprising for the Americans to be asking each other: Why is America the primary candidate for terrorism? Why is it always calling its people to return to it soil as a precaution against terrorist acts?

The Americans will find themselves in need of a bold new policy if they want to free them of this continuously awaited fear. They will have to reform their policies toward the rest of the world, just like Nixon did when he boldly announced America's withdrawal from Vietnam, saving the American people from the tragic affects of war after America had almost drowned in that quagmire.

The Americans are in need of bold political reform if they want to free themselves from the perpetual enmity of other people.

The results of oppression cannot be calculated. There is no way to predict the reactions that it will cause. The reason for this is that the reactions of oppressed and subjugated people are like the shrapnel given off by an exploding bomb. It flies off in all directions and strike aimlessly at whomever they will.

For eleven months, while the carnage continued in Palestine, the Jews received unlimited American aid while the Palestinians received from America advice to restrain themselves. It is now Palestine's turn to give the same advice to America.

If it is true that every crisis is also an opportunity, then this is true for America today. America has the opportunity to review its foreign policy and be true to itself by recognizing that it was a full participant in the process. In how they deal with what has happened, America today faces a test of their commitment to the ideals of justice and freedom that it calls towards. For if they target the guiltless civilians who do not participate in, choose, or have any real knowledge about the policies of their countries because they live in non-democratic countries – according to western terminology and standards – then this will provide justification for those who target the civilians in the democratic countries who do participate as individuals in selecting their leadership.

The United States will make a mistake of historical proportions if it succeeds in fostering Muslims hostility towards it in the way that it deals with this atrocity that has occurred. America will do so if it punishes the innocent for the sins of the guilty, or if it considers the culture, beliefs, teachings, and way of life of the Muslims as being responsible for what happened.

This tragedy has shown to the world's powers that relying upon peace brokerage alone is not sufficient, if these efforts are not accompanied by real dialogue, the airing of views, understanding the point of view and circumstances of others, and listening to what they have to say. The United States espouses such virtues as freedom and human rights, but applies them selectively to further its own interest and does not treat them as true, substantial values.

In a number of places in the world, like China, Turkey, Algeria, Chechnya, and Palestine, it appears quite clearly that with respect to the issue of Islamic lands, there is a glaring bias and severe selective vision.

America now faces a difficult choice when it comes to applying its principles of justice and protecting human rights and upholding the standards that it calls towards. It is unreasonable to place all decisions on the basis of: *"Are you with me or are you against me?"* There are broader choices than this. In the end, there is a way of dealing with disagreement, whether it is with yourself or with others.

This has come as a sign that human power, no matter how great it might be, is limited and that human knowledge, no matter how broad it might be, has its limits as well.

Whoever would have thought that this country with all its ballistic missiles, warships, and military might be taken by surprise by such a strike like any developing country. There is no power and no strength save in Allah.

Whoever would have thought that the intelligence network that people assumed monitored their every move would experience a breach wide enough for massive airplanes to get through.

These things show that human knowledge and power are limited and that the appearance of strength does not mean invincibility. Yet human beings have a tendency to deceive themselves, making them fail to realize this fact. They are easily intoxicated by the heady fragrance of power.

As Allah tells us in the Qur'ân:

“(They say): ‘Who has more power than we do?’ Yet they do not see that Allah Who created them has more power than they do.”

When certain events occur, those who are deceived by their knowledge and power learn that they are limited. It is just like what Allah relates in the Qur'ân about the death of Sulaymân (Solomon, peace be upon him):

“And when We decreed death for him, nothing indicated his death to them except the earthworm that gnawed at his staff. Then when he fell down, it became clear to the Jinn that if they had known the unseen, they would not have remained in such degrading punishment.”

The second viewpoint I would like to address is the viewpoint of Islam with respect to war in light of what is to be found in the sacred texts and in the practice of the Prophet (may the peace and blessings of Allah be upon him) and the Rightly Guided Caliphs who followed him.

This does not mean that we are making any assumptions about what had happened. We are used to the fingers of accusation being pointed at the Muslims. We must wait and see, so we do not fall into a trap that it will be impossible to get out of.

On the basis of principle, Islam prohibits targeting innocent people like women, children, and others like them even when there is actually a war being waged between the Muslims and the disbelievers. Disbelief, in and of itself, is not a justification to kill someone.

Allah's Messenger (may the peace and blessings of Allah be upon him) and the Rightly Guided Caliphs who came after him stressed the need to protect the weak and the noncombatants and were very considerate of them.

Ibn `Umar (may Allah be pleased with him) said: *“I saw the body of a slain woman during one of the battles of the Prophet (may the peace and blessings of Allah be upon him), so he forbade the killing of women and children.”* (al-Bûkhârî and Muslim)

Abû Dâwûd relates from Rabâh b. Rabî` with an authentic chain of narrators that he said: *“We were with Allah's Messenger (may the peace and blessings of Allah be upon him) during a battle and we saw people gathered together. He dispatched a man to find out why they were gathered. The man returned and said: ‘They are gathered around a slain woman.’ So Allah's Messenger (may the peace and blessings of Allah be upon him) said: ‘She should not have been attacked!’ Khâlid b. al-Walid was leading the forces, so he dispatched a man to him saying: ‘Tell Khâlid not to kill women or laborers’.”*

In another narration from Ibn Mâjah, it is related that Allah's Messenger (may the peace and blessings of Allah be upon him) said: *“Tell him not kill children or laborers.”*

Laborers are not to be attacked deliberately, even if they are present during the battle, as long as their activities are not directly connected with the fighting. Workers who are not present at the battlefield are definitely not to be treated with aggression, regardless of the fact that they are in

the enemy country. Abū Dāwūd relates from Anas b. Mālik (may Allah be pleased with him) that Allah's Messenger (may the peace and blessings of Allah be upon him) would say the following words to his troops before sending them to war: *"Go forward in the name of Allah. Do not kill an elderly person, nor a small child, nor a woman, and do not exceed the bounds."*

In the Muwatta', it is related from Yahyā b. Sa`id that Abū Bakr sent an army to Syria and went out to give them words of encouragement. He walked alongside Yazīd b. Abī Sufyān, then said: *"You are going to find a group of people who have devoted themselves to the worship of Allah (i.e. monks), so leave them to what they are doing."*

It might be appropriate to make mention of the proposal that the angel of the mountainous made to Allah's Messenger (may the peace and blessings of Allah be upon him) that he would bring the two mountains down upon the inhabitants of Mecca. Allah's Messenger (may the peace and blessings of Allah be upon him) said: *"No, I hope that Allah will make some of their descendants worship Him alone."* He said this in spite of the fact their destruction would have been of a divine nature and he and the believers with him would not have had to lift a finger against them.

Those people and these today are to be called to Islam. They are the ones to bring the message to. Failure to fulfill this duty properly at one time or another does not mean that it always has to be this way, because there is an Islamic effort that offers the promise that this will take place.

Moreover, public places like airplanes and markets are open territory where both Muslims and Non-Muslims meet. It is also a place where adults and children, men and women are to be found. These places are never to be turned into targets, even during times of war.

The dictates of general human welfare demand that these places stay secure under all circumstances. The third perspective that I would like to discuss is that of Islamic Law and its general objectives, which are to achieve the general welfare and prevent that which is detrimental to it. If we look at what has happened in the light of bringing about that which is beneficial, we have to consider the following:

1. The possibility that this deed will bring about a redoubled effort to purge the world of all Islamic struggle out of fear that these struggles might spawn similar atrocities. This would have negative repercussions on Palestine, Chechnya, Kashmir, and other Islamic lands, even though there used to be hope that those people would hear the voice of reason and cease answering to the pressure of the Jews and blind nationalism. If the organizations that oppose occupation face a lot of resistance on account of this, it could suffocate them and bring them to ruin.
2. This could have far-reaching effects on Islamic work. It can affect propagation of Islam, Islamic cultural programs, welfare activities, and educational efforts. These activities might be seen to be providing a model environment for such practices and preparing an atmosphere that fosters them. We know that in actuality it is the West that brings about this atmosphere through their hostility for Muslim peoples and their turning away from their concerns.
3. Muslim people might be exposed to abuse from these oppressors, and Allah has been helping the Afghani people who have known no rest for decades and who are in fear of witnessing a war with America as opposed to a war with Russia.

4. Islamic concerns in Western societies have been compromised, on account of which the Muslims are in an unenviable state. Many have been exposed to oppression and hostilities. It started in the media attacks that immediately placed the responsibility for the atrocity squarely on the shoulders of the Muslims, ignoring the fact that the last terrorist attack witnessed in the United States in Oklahoma came from one of their own people. The Jews, who have tremendous influence over the media, may very well be behind the immediate accusation of the Muslims. They are among those who take advantage of horrible circumstances with a wickedness that suits them while ignoring basic human concerns. Quite the contrary, they traffic in the pains of others.

5. Because of what has happened, the image of the Muslims in the minds of people in the West will become one of a murderer who, if given the chance, would massacre people and deprive them of their rights. A normal human being is all too capable of forming a mental image on the basis of one person and then applying it to a whole culture, race, or religion.

This prevents people from accepting Islam or even considering it and frustrates the efforts of the organizations that exist to propagate Islam in the West. It creates a barrier that is almost impossible to break down or get past. Islamic efforts are still very limited and only manage to reach a small section of the population. As for the masses, they remain captives of the media. This can even be said for a number of Muslim people who do not know the true nature of Islamic propagation and its propagators or the methods of Islamic workers, but only know of these horrible deeds. On the basis of the activities of few individuals, people form an image of Islam. The majority tends to generalize things and is carried along by first impressions.

In conclusion, this is what is apparent to me from the limited time that I have had to reflect and from what present circumstances indicate. Allah might decree that good will come to His worshippers, despite what they think and expect. **"Allah knows and you know not."**

We ask Almighty Allah by His great names and lofty attributes to protect the Muslims with their religion, their lives, their honor, and their countries. May Allah suffice them and protect them from the evil of their enemies. We also ask Allah to strengthen His religion, to exalt His name, help His righteous servants. May He improve the conditions of the Muslims, bring them together on the basis of the truth and their faith, and give them victory over the disbelievers.

And may the peace, blessings, and salutations of Allah be upon our Prophet Muhammad and upon His family and all of his Companions.

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Attachment 2 to Al-Oadah Declaration

Sheikh Salman Al-Oadah's
Motion to Dismiss the Third Amended Complaint

03 MDL No. 1570 (RCC) / C.A. No. 03-CV-9849 (RCC)



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Regarding the Attacks on Riyadh – Preliminary Suggestions to Our Scholars and Our Media Figures

Regarding the Attacks on Riyadh – Preliminary Suggestions to Our Scholars and Our Media Figures
ISLAMTODAY.NET

The three terrorist attacks that took place in Riyadh on Monday, May 12 must be addressed by every one of us who has the ability to do so, regardless of who the perpetrators were and regardless of their motives. Those who speak need to fully appreciate the gravity and magnitude of the issue and speak with responsibility and deliberation. They must not improvise and they must not be constrained in what they say by outside pressures. That would only make matters worse.

As a practical step in this direction, and in consideration of the confused muddle of thoughts and feelings that have beset the people in our society surrounding this grave event, IslamToday embarked upon the task of contacting a number of Islamic scholars as well as a number of academics and media personalities with the intent of bringing their ideas together. As Muslims, we need to properly assess how to deal with what happened as well as how to present the truth to the public in a clear and honest manner that shows sensitivity for our present situation as well as for the future. We wish to avoid the shortsighted notion that the problem will be solved as soon as we condemn what happened, curse those who did it, and circulate their pictures and personal statistics in the newspapers. That is by far not enough.

We have come up with a number of issues of importance that we feel need to be addressed. We believe that these matters need to be understood by everyone who wishes to speak about this matter in an accurate and insightful way. We present these ideas to you, our readers, and look forward to your comments and suggestions.

1. It is necessary for everyone to discuss in clear, unambiguous terms what Islam says about these terrorist activities. We must make it clear that these crimes are expressly and categorically forbidden in Islam. We must show that violence and force are not the ways for us to achieve our goals or to effect reform. That approach puts an end to any chance of sincere and honest dialogue, and dialogue is the natural starting place for any desired reform.
2. In order to uncover both the identities and the motives of those who perpetrated these attacks, it is necessary to avoid random accusations. At the same time, it is imperative that we do not in any way justify the use of violence, regardless of the pretexts, reasons, and justifications offered for it.

From the viewpoint of Islamic Law, we have, first and foremost, the principle of the preservation of human life – all human life. We also have the principle of honoring our covenants that makes no distinction between Muslims and non-Muslims. Even if there is a dispute about the validity of a

given covenant in light of Islamic Law, when those in authority among the Muslims enter into it, it must be honored. Scholars of Islam may criticize it, but no one has the right in Islamic law to violate it. It is the sacred duty of all Muslims to uphold it.

We can also look at this from the viewpoint of the general welfare, which is, in truth, not something that we can separate from the consideration of Islamic Law. We can easily see how these attacks may have ignited a fire that will spread madly out of bounds. It destroys domestic security, places the populace in fear, and shows all manner of unsavory people who have their own personal agendas a very violent way to get what they want.

One of the evil consequences of what happened is that the breach in domestic security that has been opened may not heal. Every society contains within itself divergent ideologies, conflicting interests, regional divisions, and ethnic bigotries. Once a breach like this is made, the door is left open for further attacks and violence in our society and the escalation of domestic conflicts, like those we see today in Iraq. History, both recent and ancient, is a witness to what we say.

What is worse, this unstable climate provides an excellent opportunity for our enemies who are just waiting for the chance to strike at us and intervene in every aspect of our lives. We should also not forget those people within our own society who are weak in faith as well as those who have ideological differences with us who will use these events to discredit our society's institutions and Islamic orientation.

3. We cannot ignore the fact that the targets of the attacks were Americans. We cannot properly analyze what happened while ignoring the relationship it has to America's aggressive and singular policies that inspire hatred, not only within the Arab and Islamic world, but even in places like Europe, South America, and China.

There is one factor that sets the Muslim world apart. It is the primary target of those policies; not only its territory, but also its culture, religion, and way of life. This is something all of us can clearly see.

The Arab and the Muslim, like everyone else, naturally rejects being oppressed and subjugated. If it were not for the role played by our religion in restraining most people from acting rashly, things would be much worse than they are today.

America has gone too far in its disdain for others and for their aspirations. In spite of this, it might be correct to say that the present American Administration, or at least some extremists within it, may very well enjoy seeing instability beset the countries of the Muslim world. It provides a way for them, either now or later, to intervene in the region on the pretext of pursuing national security or national interests. They will close this organization or that one. The situation could quite easily become more oppressive than any of us could imagine.

4. We need to create an environment wherein a spirit of moderation and justice can flourish. This means respecting the rights of all people. Any individual must enjoy the same opportunity as any other individual in society. He must have freedom of expression. He must be able to express his opinion publicly in speech and in writing and in any other legitimate way that ideas are expressed. The person speaking is the one to carry the responsibility in this world and in the Hereafter for

what he says. He should only be called to account if he transgresses against another or violates something sacred, and he should be called to account within the legitimate framework accepted by all.

A just society is one wherein people enjoy their liberty and the exercise of their rights within the framework of Islamic teachings. Such a society enjoys Allah's protection and care and is safe from being driven to extremes by individual interests. In such a society, each individual senses his own responsibility and worth.

5. The principle that we must build upon in our society is that of open dialogue built upon the principles of our faith. Every individual in our society has a right to participate in this dialogue and present what he has to offer. This country is his country and its interests are his interests as well and the interests of those who will come after him. People with extreme views cannot be excluded from this dialogue, since the way to deal with extreme views is to confront them with better ideas and with evidence.

It is not right to resort to military force to deal with every problem in society and rely on brute power to carry our matters of policy.

6. It is wrong for people to use this tragedy to further their own agendas by hurling the blame at this group or that. This is unfortunately what is being done by some people in the media. It is wrong to use what happened as a chance to further one's personal vision or attack one's opponents or hurl baseless accusations.

We should recall how America treated the Arabs, Muslims, and Saudi Arabia in particular after the tragic events of September 11. We should remember the axiom "You are either with us or against us". We should remember the "axis of evil" and the "rogue states".

We must be careful not to fall into the same pattern ourselves. We should avoid any approach that would divide our society and create internal conflict. These events require us to have a sense of responsibility. We need to be clear in what we say and where we stand. We need to drive home how dangerous the situation is. Our words are a trust. What we say can lead us straight to the fire. Allah says: *"And tell My servants that they should say what is best. Verily Satan sows dissention among them, for Satan is an avowed enemy of the human being."* [Sûrah al-Isrâ': 53]

Spreading the blame around – as some of us are doing - only aggravates our sense of enmity and oppression. It goads others into confrontation. Anyone who has a sense of Islamic identity – or even national identity – cannot condone spreading the fire to areas that are still safe and quiet. Common sense should tell us that we should keep the crisis within its present confines. It should not become so that every Saudi is deemed guilty until proven innocent.

This is a very general presentation of ideas that we encourage our brothers who are journalists and preachers to consider and to speak about.

Allah's Messenger (peace be upon him) said: "Faith prohibits attacking others and a believer does not attack others." [Sūnan Abī Dāwūd] It is well known by all scholars of Islamic Law that unbelief does not necessitate bloodshed. An unbeliever's blood is inviolable as long as there is some agreement of peace between the unbeliever and the Muslims. Even in those instances when it is lawful in Islamic Law to kill someone, the scholars of Islam all agree that it is not necessary to do so when it is injurious to the general welfare. This is why Allah's Messenger (peace be upon him) spared the life of `Abd Allah b. `Ubayy – the famous hypocrite who, in the midst of battle, attempted to incite insurrection in the Muslim army. His life was spared for the sake of the community, so that no one could say that Muhammad (peace be upon him) killed one of his own companions.

We know that these matters should be perfectly clear and obvious to everyone who has knowledge of his religion. However, the tragedies that have taken place and the confusion that these events have caused require us to emphasize these facts and drive them home. We need to warn people about the evils of these acts if we want to preserve the sanctity of the Muslims around the world. We do not want the Muslims to slip into evil where some of us fall upon others, or even worse, where our external enemies take advantage of our plight to descend upon us all.

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Exhibit 3

Sheikh Safer Al-Hawali's
and
Salman Al-Oadah's
Consolidated Motion to Dismiss

03 MDL No. 1570 (RCC)

[washingtonpost.com](http://www.washingtonpost.com)

Friend of 9/11 Hijackers Convicted in Germany

Moroccan Guilty of Joining Al Qaeda Cell

By Craig Whitlock
Washington Post Foreign Service
Saturday, August 20, 2005; A12

BERLIN, Aug. 19 -- A German court on Friday convicted a Moroccan man and sentenced him to seven years in prison as a member of the Hamburg cell that planned the Sept. 11, 2001, attacks on the World Trade Center and the Pentagon.

But the court found Mounir Motassadeq, 31, not guilty of more than 3,000 counts of accessory to murder in the attack, ruling that he did not play a direct role in the plot.

The judge overseeing the Motassadeq retrial, Ernst-Rainer Schudt, criticized the U.S. government for refusing to allow the court to interview or have access to several captured al Qaeda leaders who could have shed light on the inner workings of the Hamburg cell. He also accused U.S. authorities of stonewalling requests for information and of being uncooperative during the trial.

"The point is, we would have liked to have questioned them ourselves," Schudt said of the imprisoned al Qaeda leaders.

The U.S. Justice Department provided the German court with written summaries of interrogations of some al Qaeda leaders, including chief plotters Ramzi Binalshibh and Khalid Sheik Mohammed. But U.S. officials said it would pose a risk to national security to allow the captives, who are being held at undisclosed locations, to be cross-examined or questioned in greater detail.

German government officials, who have faced criticism for their inability to win convictions in other terrorism cases, praised the verdict. "A clear signal has been sent of the determination of the state in the fight against terrorism," Interior Minister Otto Schily said in a statement.

At his first trial in 2003, Motassadeq was convicted of all the charges and sentenced to 15 years in prison, the maximum punishment in Germany. But an appellate court overturned the verdict, and prosecutors feared they would have trouble winning the case the second time around.

Motassadeq, who moved to Hamburg in the mid 1990s and became close friends with lead hijacker Mohamed Atta and other ringleaders of the attacks, spent about 2 1/2 years in prison between his November 2001 arrest and his release in April 2004. He was taken into custody again on Friday to begin serving his sentence. Prosecutors and defense lawyers said they would appeal the decision, which came at the end of a year-long retrial.

The Motassadeq case underlines the difficulties the United States and its allies have faced in trying to win convictions against those suspected of helping carry out the Sept. 11 attacks. Zacarias Moussaoui, a

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French citizen of Moroccan descent, pleaded guilty in U.S. federal court in April to conspiracy charges related to the hijacking plot, although his exact role remains unclear. Three accused members of al Qaeda are on trial in Spain on charges that they assisted the hijackers. A verdict in that case is expected next month.

According to testimony during the retrial, Motassadeq helped conceal the whereabouts of two of the Sept. 11 hijackers after they left for the United States, paying their rent and performing other tasks on their behalf. He also traveled to Afghanistan with other members of the Hamburg cell to receive military training and meet al Qaeda leaders, witnesses said.

Prosecutors, however, were unable to prove that Motassadeq had concrete knowledge of the hijacking plot. "The clear picture shows the defendant as a member of a terrorist organization, but not as an accessory to murder," Schudt said.

Dominic Puopolo Jr., a Miami Beach computer consultant whose mother was a passenger on one of the airplanes that the hijackers crashed into the World Trade Center, said he was pleased with the Hamburg court's ruling. "I'm amazed," he said, admitting that he feared Motassadeq might walk free. "I'm just filled with joy."

But Puopolo, who moved to Hamburg for several months to attend most of the trial, said his mood was bittersweet. A few hours after he learned of Motassadeq's conviction, he said he received word that he had been denied financial assistance from a Massachusetts charity set up to help family members of Sept. 11 victims.

In a telephone interview, Puopolo said the Massachusetts 9/11 Fund Inc., a non-profit group, denied his application for \$9,181 in benefits. He said he had received about \$200,000 from the national 9/11 Victim Compensation Fund, but used most of that to quit his job and move to Hamburg to monitor the trial.

"Here is a day where I believe I did my best to help put a man in jail," said Puopolo, a part-time Massachusetts resident. "But now I feel beaten, actually."

David Hastings, executive director of the Massachusetts 9/11 Fund, said confidentiality restrictions prevented him from commenting on individual cases.

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